

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MIKE MCGEE, BANKIM GOPANI,) No. CV 11-2794-R (AGRx)
NIRANJAN KUMAR DAS, MARK)
STEPHENSON, MELVIN YOUNKER,) CLASS ACTION
VICTOR BRANCACIO, and ROBERT)
WALSH, Individually and On Behalf of) **ORDER AWARDING LEAD**
All Others Similarly Situated,,) **PLAINTIFF’S COUNSEL**
) **ATTORNEYS FEES AND**
) **REIMBURSING EXPENSES**
)
Plaintiffs,)
)
vs.)
) Hon. Manuel Real
)
CHINA ELECTRIC MOTOR, INC.,)
YUE WANG, HAIXIA ZHANG,)
HEUNG SANG “DEXTER” FONG,)
FUGUI WANG, GUOQIANG ZHANG,)
LIANG TANG, SHUIPING WANG,)
WESTPARK CAPITAL, INC., ROTH)
CAPITAL PARTNERS, LLC,)
RICHARD RAPPAPORT, PHILIP)
KEMPISTY, KEMPISTY &)
COMPANY CPAS, P.C., and)
MALONEBAILEY, LLP,)
)
Defendants.)
)
)

$$-X$$

ORDER

WHEREAS, the Court has granted final approval to the Settlement of the above-referenced class action;

WHEREAS, Lead Plaintiff's Counsel, The Rosen Law Firm, P.A., appointed by the Court as Class Counsel for the purposes of the Settlement have

1 petitioned the Court for an award of attorneys' fees in compensation for the
2 services provided to Lead Plaintiffs and the Class, and reimbursement of expenses
3 incurred in connection with the prosecution of this action, to be paid out of the
4 Settlement Fund established pursuant to the Settlement; and

5 WHEREAS, the Court has reviewed the fee application and the supporting
6 materials filed therewith, and has heard the presentation made by Class Counsel
7 during the final approval hearing, and due consideration having been had thereon,

8 NOW, THEREFORE, it is hereby ordered:

9 1. Class Counsel are awarded \$466,038.00 as attorneys' fees in this
10 Action, together with a proportionate share of the interest earned on the fund, at
11 the same rate as earned by the balance of the fund, from the date of the
12 establishment of the fund to the date of payment.

13 2. The expenses of Class Counsel shall be reimbursed out of the
14 Settlement Fund in the amount of \$75,433.

15 3. Except as otherwise provided herein, the attorneys' fees shall be paid
16 and reimbursement of expenses shall be made in the manner and procedure
17 provided for in the Stipulations of Settlement.

18 4. Lead Plaintiff shall be awarded \$2,000 for an incentive fee award and
19 reimbursement for his lost time in connection with their prosecution of this action.

20 5. In making this award of attorneys' fees and reimbursement of
21 expenses to be paid from the Settlement Fund, the Court has considered and found
22 that:

23 (a) The Settlement has created a fund of \$3,778,333.33 in cash, plus
24 interest to be earned thereon, and Class members who file timely and valid
25 claims will benefit from the Settlement created by Lead Plaintiff's Counsel;

(b) At least 13,754 copies of the Notice were disseminated to putative
Class members indicating that at the September 16, 2013 final approval

1 hearing, Lead Plaintiff's counsel intended to seek a fee of up to 25% of the
2 Settlement Fund in attorneys' fees, and reimbursement of their litigation
3 expenses in an amount not to exceed \$200,000;

4 (c) the Summary Notice was published in Investor's Business Daily as
5 required by the Court, and no objection was filed against either the terms of
6 the proposed Settlement or the ceiling on fees and expenses to be requested
7 by Lead Plaintiff's Counsel;

8 (d) Lead Plaintiff's Counsel have conducted this litigation and achieved
9 the Settlement;

10 (e) the litigation of this Action involved complex factual and legal issues
11 and was actively prosecuted since its filing, and in the absence of
12 Settlement, the Action would have continued to involve complex factual
13 and legal questions;

14 (f) if Lead Plaintiff's Counsel had not achieved the Settlement, there was
15 a risk of either a smaller or no recovery; and

16 (g) Lead Plaintiff's Counsel and additional Plaintiffs' Counsel have
17 devoted over 1402 hours of professional time to the prosecution of this
18 Action, with a lodestar value of \$666,488.

19 .

20 DATED: Nov. 12, 2013

SO ORDERED:

21 
22

23 Hon. Manuel L. Real
24 United States District Judge
25